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## REMARKS

Response to Rejections based on New Matter

While not accepting the Examiner's contention that amendments to the abstract and claims constitute new matter, the abstract and claims are amended herein to focus on other subject matter. Applicant reserves the right to pursue prosecution of the subject matter claimed in the amendment filed in response to the first office action but which the Examiner stated to be new matter.

Amendment to the Claims

No new matter is added. Claim amendments were made to more clearly set out the intended subject matter or to correct typographical errors. Support for the amendments to the claims can be found for example in FIGs. 3 and 4 and accompanying text.

Objection to the Abstract

The Examiner objected to the abstract under 35 U.S.C. §132(a) for introducing new matter. The Examiner requested certain text added to the abstract be cancelled. The added text is cancelled render the objection moot.

The Examiner indicated that the abstract is insufficient. Applicant has amended the abstract to provide additional information. Applicant notes that the claims define the scope of embodiments of the invention. No new matter is added. Support for the amendments to the claims can be found for example in FIGs. 3 and 4 and accompanying text.

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Claim Rejections Under 35 U.S.C. §112, first paragraph

The Examiner rejected Claims 1-24 under 35 USC §112, 1$^{st}$ paragraph for failing to comply with the written description requirement.  The Examiner stated the claims contain subject matter which was not described in the specification.  Amendments to the claims render the rejection moot.

Claim Rejections Under 35 U.S.C. §102(e)

The Examiner rejected Claims 1-17 and 20-24 under 35 U.S.C. §102(e) as being anticipated by Richmond (U.S. Patent Publication No. 2002/0041650 A1) (hereafter "Richmond").

Claim 1 in pertinent part recites:

"determining whether an overflow state exists in part in response to a determination that the data most recently read out includes dummy data ...

determining whether an underflow state exists in part in response to a determination that the data most recently read out includes dummy data".

Claims 9 and 17 in pertinent part recite:

"determine whether an overflow state exists in part in response to a determination that the data most recently read out includes dummy data ...

determine whether an underflow state exists in part in response to a determination that the data most recently read out includes dummy data".

Richmond at Paragraph [0031] recites:

**If the transmit clock is faster than the receive clock,** then the distance between the transmit and receive clocks will be

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> maximum distance/2+1. **When this condition occurs, the next repetitive primitive detected in the data register is duplicated in the output stream** by not incrementing the transmit side counter 54 when the register holding the primitive is coupled to the output stream so that the primitive is transmitted twice during consecutive clock cycles. **If the receiver is faster than the transmitter,** the distance will equal maximum distance/2-1, and **an adjustment must again be made to delete a primitive from the data stream**. This is done by detecting the condition when the next word in the output data stream is scheduled to be the primitive and causing the transmit side counter to increment by two to skip over the register containing the primitive. This deletes the primitive. (Emphasis added).

Accordingly, Richmond teaches detecting overflow or underflow conditions and manipulating the output stream based on detection of either overflow or underflow conditions. For example, Richmond teaches that <u>in response to detection of overflow condition</u> (i.e., receiver is faster than the transmitter), an adjustment must again be made to delete a primitive from the data stream. For example, Richmond teaches that <u>in response to detection of an underflow condition</u> (i.e., transmit clock is faster than the receive clock), the next repetitive primitive detected in the data register is duplicated in the output stream.

Richmond clearly does not teach "determining whether an overflow state exists in part **in response to a determination that the data most recently read out includes dummy data** ... determining whether an underflow state exists in part **in response to a determination that the data most recently read out includes dummy data**" (emphasis added) of amended Claim 1. Accordingly, amended Claim 1 is allowable over the teachings of Richmond. Claims 2-8 depend from Claim 1 and thus are allowable

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over the teachings of Richmond for at least the same reasons as
pertain to amended Claim 1.

At least for similar reasons as stated earlier with regard to
amended Claim 1, amended Claims 9 and 17 are allowable over the
teachings of Richmond. Claims 10-16 depend from Claim 9 and thus
are allowable over the teachings of Richmond for at least the same
reasons as pertain to amended Claim 9. Claims 20 and 21 depend
from Claim 17 and thus are allowable over the teachings of Richmond
for at least the same reasons as pertain to amended Claim 17.

Claims 22-24 are cancelled and the rejection of those claims is
moot.


## Claim Rejections Under 35 U.S.C. §103(a)

The Examiner rejected Claims 18 and 19 under 35 U.S.C.
§103(a) as being unpatentable over Richmond. Claims 18 and 19
are allowable over the teachings and suggestions of Richmond for at
least the reasons as pertain to base Claim 17.


## Final Remarks

The enclosed remarks are not intended to be an exhaustive
enumeration of all distinctions between any cited references and the
claims. The distinctions identified and discussed are to illustrate at
least one difference between the claims and the cited reference.

Applicant requests allowance of all pending Claims (namely,
Claims 1-21).

If the Examiner has any questions concerning this application,
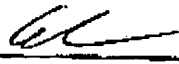please call the applicant's attorney at (212) 661-5488.


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If there are any charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

Date:  February 17, 2006

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# CERTIFICATE OF TRANSMISSION
### (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on February 17, 2006.

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